

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

SPRING AIR WEST, LLC

and

Case 19-CA-32018

CARPENTERS INDUSTRIAL COUNCIL
LOCAL NO. 2633

CONSOLIDATED BEDDING, INC.

and

Case 19-CA-32019

CARPENTERS INDUSTRIAL COUNCIL
LOCAL NO 2633

ALFRED THOMAS GUILIANO, Trustee in Bankruptcy

Party In Interest

MOTION FOR DEFAULT JUDGMENT

Comes now Counsel for the General Counsel ("General Counsel") of the National Labor Relations Board (the "Board") and files this Motion for Default Judgment pursuant to § 102.24 (b) of the Rules and Regulations of the Board, as revised on January 12, 2003, requesting default judgment, as there are no genuine issues of material fact in dispute and, accordingly, the General Counsel is entitled to judgment as a matter of law. In support of this Motion, the General Counsel submits the following:

1. On July 20, 2009, the Carpenters Industrial Council Local No. 2633 (the "Union") filed an unfair labor practice charge (Case 19-CA-32018) alleging that Spring Air West, LLC ("Respondent Spring Air"), had violated §§ 8(a)(1) and (5) of the Act. That charge was served on Respondent Spring Air by regular mail on or about July 21, 2009, and re-sent to Respondent Spring Air and its legal representatives, including

Alfred Thomas Guiliano, Trustee in Bankruptcy, by regular mail on or about July 22, 2009. Copies of the charge and the affidavits of service are attached as Exhibits 1(a) and 1 (b), respectively.

2. On July 20, 2009, the Union filed an unfair labor practice charge (Case 19-CA-32019) alleging that Consolidated Bedding, Inc. ("Respondent Consolidated"), had violated §§ 8(a)(1) and (5) of the Act. That charge was served on Respondent Consolidated by regular mail on or about July 21, 2009, and re-sent to Respondent Consolidated and its legal representatives, including Alfred Thomas Guiliano, Trustee in Bankruptcy, by regular mail on or about July 22, 2009. Copies of that charge and the affidavits of service are attached as Exhibits 2(a) and 2(b), respectively.

3. Following an investigation of the charges in this matter, the Regional Director for Region 19 issued an Order Consolidating Cases, Consolidated Complaint and Notice of Hearing (the "Complaint") on August 31, 2009, alleging Respondents Spring Air and Consolidated had violated §§ 8(a)(1) and (5) of the Act. On August 31, 2009, the Complaint was served by United States Postal Service, first class mail on both Respondents, the Trustee in Bankruptcy and their respective attorneys. Copies of the Complaint and affidavit of service are attached as Exhibits 3(a) and 3(b), respectively.

4. The Answer to the Complaint was due to be received in the Regional Office on or before September 14, 2009. No Answer was received.

5. The Region subsequently sent a letter to Respondents' legal counsel on September 25, 2009, by United States Postal Service first class mail. This letter notified counsel that Respondents had failed to submit an Answer in response to the Complaint

and the significance of that failure. The letter provided Respondents with additional time until October 1, 2009, to file an Answer. A copy of the September 25, 2009, letter is attached as Exhibit 4.

6. To date, Respondents have failed and/or refused to file an Answer to the Complaint.

On the basis of the foregoing and the exhibits attached hereto, it is respectfully submitted that the pleadings in the instant case raise no material issues of fact, that Respondents Spring Air and Consolidated submitted no Answer or defense for the acts alleged in the Complaint, that no hearing is necessary in this matter, and that it is appropriate for the Board to issue a Decision and Order without further proceedings. Thus, it is respectfully requested that the Board make findings of fact and conclusions of law, finding that the conduct of Respondents Spring Air and Consolidated, respectively, violated §§ 8(a)(1) and (5) of the Act as alleged in the attached Complaint.

WHEREFORE, as the remedy for Respondents Spring Air's and Consolidated's unfair labor practices as alleged in the Complaint, the General Counsel further requests that the Board issue the proposed Order and Notice to Employees, which are attached as Exhibits 5(a) and 5(b), respectively, and/or that the Board issue any other order and/or remedy deemed appropriate.

DATED at Seattle, Washington, this 9th day of October, 2009.

A handwritten signature in cursive script, reading "Daniel R. Sanders", is written over a horizontal line.

Daniel R. Sanders, Counsel for the General Counsel
National Labor Relations Board, Region 19
915 Second Ave, Room 2948
Seattle, Washington 98174

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

19-CA-32018

Date Filed

11/7/20/09

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Spring Air West, LLC		b. Tel. No. () -
		c. Cell No. () -
		f. Fax No. () -
		g. e-Mail
d. Address (Street, city, state, and ZIP code) 2626 Willamette Drive NE Lacey WA 98516-	e. Employer Representative	
		h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) Mattress manufacturer and sales	j. Identify principal product or service bedding and mattresses	

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or about May 4, 2009, the above-named Employer, by its officers, agents and/or representatives, closed its factory and place of business in Lacey, Washington without notifying the Carpenters Industrial Council Local #2633 ("the Union") and affording the Union the opportunity to bargain over the decision to close the factory and/or its effects.

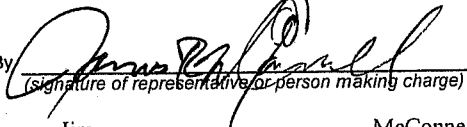
3. Full name of party filing charge (if labor organization, give full name, including local name and number)
Carpenters Industrial Council Local No. 2633

4c. Address (Street and number, city, state, and ZIP code) 712 North 7th Street Yakima WA 98901-	4a. Tel. No. (509)248-5158
	4b. Cell No. (509)823-9916
	4d. Fax No. () -
	4e. e-Mail local2739@charter.net

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Carpenters Industrial Council Local No. 2633, chartered by the United Brotherhood of Carpenters & Joiners of America

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By  Jim McConnell, Area Representative
(signature of representative or person making charge) (Print/type name and title or office, if any)

Jim McConnell
712 North 7th Street
Yakima WA 98901-
Address

7/17/09
(date)

Tel. No. (509)248-5158
Office, if any, Cell No. (509)823-9916
Fax No. () -
e-Mail local2739@charter.net

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

19-2009-1013

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Exhibit 1(a)



United States Government
NATIONAL LABOR RELATIONS BOARD
Region 19
2948 Jackson Federal Building
915 Second Avenue
Seattle, Washington 98174-1078

Telephone: (206) 220-6300
Toll Free: 1-866-667-6572
Facsimile: (206) 220-6305
Agency Web Site: <http://www.nlrb.gov>

July 21, 2009
(Resent to Employer Legal Representatives on 7/22/09)

Spring Air West, LLC
2626 Willamette Drive NE
Lacey, WA 98516

Re: **Spring Air West, LLC**
Case 19-CA-32018

This is to inform you that a charge, a true copy of which is enclosed, was filed in the above-entitled matter. Also enclosed is a copy of *Form NLRB-4541*, briefly setting forth our investigation and voluntary adjustment procedures.

I would appreciate receiving from you promptly, a full and complete written account of the facts and a statement of your position with respect to the allegations of the charge. Also, please complete and return one copy of the enclosed questionnaire regarding commerce information (*Form NLRB-5081*). Please state the case name and number on all correspondence.

FILING DOCUMENTS WITH REGIONAL OFFICES: The Agency is moving toward a fully electronic records system. To facilitate this important initiative, the Agency strongly urges all parties to submit documents and other materials (except unfair labor practice charges and representation petitions) to Regional Offices through the Agency's E-Filing system on its website: <http://www.nlrb.gov>. (See Attachment to this letter for instructions). Of course, the Agency will continue to accept timely filed paper documents.

Attention is called to your right, and the right of any party, to be represented by counsel or other representative in any proceeding before the National Labor Relations Board and the courts. In the event that you choose to have a representative appear on your behalf, please have your representative complete *Form NLRB-4701, Notice of Appearance*, and forward it promptly to this office.

This case has been assigned to the Board agent shown below. When the Board agent solicits relevant evidence from you or your counsel, I request and strongly urge you or your counsel to promptly present to the Board agent any and all evidence relevant to the investigation. It is my view that a refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily. Full and complete cooperation includes, where relevant, timely providing all material witnesses under your control to a Board agent so that witnesses' statements can be reduced to affidavit form, and providing all relevant documentary evidence requested by the Board agent. The submission of a position letter or memorandum, or the submission of affidavits not taken by a Board agent, does not constitute full and complete cooperation.

Please be advised that we cannot accept any limitations on the use of any evidence or position statements that are provided to the Agency. Thus any claim of confidentiality cannot be honored except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge. In this regard, we are required by the Federal Records Act to keep copies of documents used in furtherance of our investigation for some period of years after a case closes. Further, we may be required by the Freedom of Information Act to disclose such records upon request, absent some applicable exemption such as those that protect confidential financial information or personal privacy interests (e.g., Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4)). Accordingly, we will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the foregoing laws, regulations and policies.

You are advised that, under the Freedom of Information Act, unfair labor practice charges and representation petitions are subject to prompt disclosure to members of the public upon request. In this regard, you may have received a

Exhibit 1(b)

Spring Air West, LLC
Case 19-CA-32018
July 22, 2009

solicitation by organizations or persons who have obtained public information concerning this matter and who seek to represent you before our Agency. You may be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board; their information regarding this matter is only that which must be made available to any member of the public.

If you are a non-English speaker and need assistance, please inform the Board Agent assigned to this case.

Customer service standards concerning the processing of unfair labor practice cases have been published by the Agency and can be found on our Agency website at <http://www.nlrb.gov>. Your cooperation in this matter is invited so that all facts of the case may be considered.

Sincerely,



Richard L. Ahearn
Regional Director

Enclosures

Case assigned to: Janet Little
Telephone No.: (206)220-6340
Email: Janet.Little@nlrb.gov

Cc: CT Corporation System
Registered Agent
1801 West Bay Drive NW, Suite 206
Olympia, WA 98502

POLSINELLI SHUGHART PC
Christopher Ward, Attorney
222 Delaware Avenue, Suite 1101
Wilmington, DE 19801

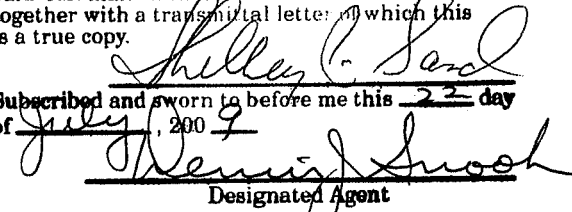
POLSINELLI SHUGHART PC
Justin Edelson, Attorney
222 Delaware Avenue, Suite 1101
Wilmington, DE 19801

GIULIANO MILLER & CO, LLC
Alfred Giuliano, Bankruptcy Trustee
Berlin Business Park
140 Bradford Drive
West Berlin, NJ 08091

ARCHER & GREINER
John Fiorella, Attorney
300 Delaware Ave, Ste. 1370
Wilmington, DE 19801

I certify that I served the above referred to charge on the 22 day of July, 2009, by post paid U.S. mail on the addressee named above, together with a transmittal letter in which this is a true copy.

Subscribed and sworn to before me this 22 day of July, 2009



Designated Agent

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

NOT WRITE IN THIS SPACE

Case

19-CA-32019

Date Filed

11 7/20/09

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Consolidated Bedding, Inc.		b. Tel. No. () -
		c. Cell No. () -
		f. Fax No. () -
		g. e-Mail
d. Address (Street, city, state, and ZIP code) 500 South Falkenburg Road Tampa FL 33619-	e. Employer Representative	
i. Type of Establishment (factory, mine, wholesaler, etc.) Mattress/bedding manufacture and sales		h. Number of workers employed
j. Identify principal product or service mattress and bedding		

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or about May 4, 2009, the above-named Employer, by its officers, agents and/or representatives, closed its factory and place of business in Lacey, Washington without notifying the Carpenters Industrial Council Local #2633 ("the Union") and affording the Union the opportunity to bargain over the decision to close the factory and/or its effects.

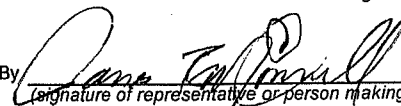
3. Full name of party filing charge (if labor organization, give full name, including local name and number)
Carpenters Industrial Council Local #2633

4c. Address (Street and number, city, state, and ZIP code) 712 North 7th Street Yakima WA 98901-	4a. Tel. No. (509)248-5158
	4b. Cell No. (509)823-9916
	4d. Fax No. () -
	4e. e-Mail local2739@charter.net

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Carpenters Industrial Council Local #2633, chartered by the United Brotherhood of Carpenters & Joiners of America

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By  (signature of representative or person making charge)	James McConnell, Area Rep. (Print/type name and title or office, if any)	Tel. No. (509)248-5158
James McConnell 712 North 7th Street Yakima WA 98901-		Office, if any, Cell No. (509)823-9916
		Fax No. () -
		e-Mail local2739@charter.net

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PRIVACY ACT STATEMENT

19-2009-1018

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United States Government
NATIONAL LABOR RELATIONS BOARD

Region 19
2948 Jackson Federal Building
915 Second Avenue
Seattle, Washington 98174-1078

Telephone: (206) 220-6300
Toll Free: 1-866-667-6572
Facsimile: (206) 220-6305
Agency Web Site: <http://www.nlr.gov>

July 21, 2009

Consolidated Bedding, Inc.
500 South Falkenburg Road
Tampa, FL 33619

**Re: Consolidated Bedding, Inc.
Case 19-CA-32019**

This is to inform you that a charge, a true copy of which is enclosed, was filed in the above-entitled matter. Also enclosed is a copy of *Form NLRB-4541*, briefly setting forth our investigation and voluntary adjustment procedures.

I would appreciate receiving from you promptly, a full and complete written account of the facts and a statement of your position with respect to the allegations of the charge. Also, please complete and return one copy of the enclosed questionnaire regarding commerce information (*Form NLRB-5081*). Please state the case name and number on all correspondence.

FILING DOCUMENTS WITH REGIONAL OFFICES: The Agency is moving toward a fully electronic records system. To facilitate this important initiative, the Agency strongly urges all parties to submit documents and other materials (except unfair labor practice charges and representation petitions) to Regional Offices through the Agency's E-Filing system on its website: <http://www.nlr.gov>. (See Attachment to this letter for instructions). Of course, the Agency will continue to accept timely filed paper documents.

Attention is called to your right, and the right of any party, to be represented by counsel or other representative in any proceeding before the National Labor Relations Board and the courts. In the event that you choose to have a representative appear on your behalf, please have your representative complete *Form NLRB-4701*, *Notice of Appearance*, and forward it promptly to this office.

This case has been assigned to the Board agent shown below. When the Board agent solicits relevant evidence from you or your counsel, I request and strongly urge you or your counsel to promptly present to the Board agent any and all evidence relevant to the investigation. It is my view that a refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily. Full and complete cooperation includes, where relevant, timely providing all material witnesses under your control to a Board agent so that witnesses' statements can be reduced to affidavit form, and providing all relevant documentary evidence requested by the Board agent. The submission of a position letter or memorandum, or the submission of affidavits not taken by a Board agent, does not constitute full and complete cooperation.

Please be advised that we cannot accept any limitations on the use of any evidence or position statements that are provided to the Agency. Thus any claim of confidentiality cannot be honored except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge. In this regard, we are required by

Exhibit 2(b)

Consolidated Bedding, Inc.
Case 19-CA-32019
July 21, 2009

the Federal Records Act to keep copies of documents used in furtherance of our investigation for some period of years after a case closes. Further, we may be required by the Freedom of Information Act to disclose such records upon request, absent some applicable exemption such as those that protect confidential financial information or personal privacy interests (e.g., Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4)). Accordingly, we will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the foregoing laws, regulations and policies.

You are advised that, under the Freedom of Information Act, unfair labor practice charges and representation petitions are subject to prompt disclosure to members of the public upon request. In this regard, you may have received a solicitation by organizations or persons who have obtained public information concerning this matter and who seek to represent you before our Agency. You may be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board; their information regarding this matter is only that which must be made available to any member of the public.

If you are a non-English speaker and need assistance, please inform the Board Agent assigned to this case.

Customer service standards concerning the processing of unfair labor practice cases have been published by the Agency and can be found on our Agency website at <http://www.nlrb.gov>. Your cooperation in this matter is invited so that all facts of the case may be considered.

Sincerely,



Richard L. Ahearn
Regional Director

Enclosures

Case assigned to: Janet Little
Telephone No.: (206)220-6340
Email: Janet.Little@nlrb.gov

I certify that I served the above referred to charge on the 21 day of July, 2009, by post paid U.S. mail on the addressee named above, together with a copy of the letter of which this is a true copy.

Subscribed and sworn to before me this 21 day of July, 2009.


Designated Agent



United States Government
NATIONAL LABOR RELATIONS BOARD
Region 19
2948 Jackson Federal Building
915 Second Avenue
Seattle, Washington 98174-1078

Telephone: (206) 220-6300
Toll Free: 1-866-667-6572
Facsimile: (206) 220-6305
Agency Web Site: <http://www.nlrb.gov>

July 21, 2009
(Resent to Employer Legal Representatives on 7/22/09)

Consolidated Bedding, Inc.
500 South Falkenburg Road
Tampa, FL 33619

**Re: Consolidated Bedding, Inc.
Case 19-CA-32019**

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Consolidated Bedding, Inc.
Case 19-CA-32019
July 22, 2009

will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the foregoing laws, regulations and policies.

You are advised that, under the Freedom of Information Act, unfair labor practice charges and representation petitions are subject to prompt disclosure to members of the public upon request. In this regard, you may have received a solicitation by organizations or persons who have obtained public information concerning this matter and who seek to represent you before our Agency. You may be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board; their information regarding this matter is only that which must be made available to any member of the public.

If you are a non-English speaker and need assistance, please inform the Board Agent assigned to this case.

Customer service standards concerning the processing of unfair labor practice cases have been published by the Agency and can be found on our Agency website at <http://www.nlrb.gov>. Your cooperation in this matter is invited so that all facts of the case may be considered.

Sincerely,



Richard L. Ahearn
Regional Director

Enclosures

Case assigned to: Janet Little
Telephone No.: (206)220-6340
Email: Janet.Little@nlrb.gov

cc: POLSINELLI SHUGHART PC
Christopher Ward, Attorney
222 Delaware Avenue, Suite 1101
Wilmington, DE 19801

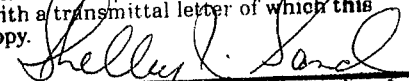
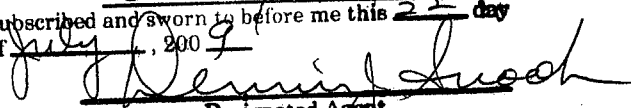
POLSINELLI SHUGHART PC
Justin Edelson, Attorney
222 Delaware Avenue, Suite 1101
Wilmington, DE 19801

GIULIANO MILLER & CO, LLC
Alfred Giuliano, Bankruptcy Trustee
Berlin Business Park
140 Bradford Drive
West Berlin, NJ 08091

ARCHER & GREINER
John Fiorella, Attorney
300 Delaward Ave, Ste. 1370
Wilmington, DE 19801

I certify that I served the above referred to charge on the 22 day of Jul, 2009, by post paid U.S. mail on the addressee named above, together with a transmittal letter of which this is a true copy.

Subscribed and sworn to before me this 22 day of July, 2009



Designated Agent

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19

Spring Air West, LLC

Case 19-CA-32018

and

Carpenters Industrial Council Local No. 2633

Consolidated Bedding, Inc.

Case 19-CA-32019

and

Carpenters Industrial Council Local No. 2633

Alfred Thomas Guiliano, Trustee in Bankruptcy
Party in Interest

ORDER CONSOLIDATING CASES, CONSOLIDATED
COMPLAINT AND NOTICE OF HEARING

Carpenters Industrial Council Local No. 2633 (the "Union"), has charged that Spring Air West, LLC ("Respondent Spring Air"), in Case 19-CA-32018, and that Consolidated Bedding, Inc. ("Respondent Consolidated"), in Case 19-CA-32019, have been engaging in unfair labor practices as set forth in the National Labor Relations Act (the "Act"), 29 U.S.C. § 151 *et seq.*

Based thereon, the General Counsel of the National Labor Relations Board (the "Board"), by the undersigned, pursuant to § 10(b) of the Act and § 102.15 of the Board's Rules and Regulations, issues this Complaint and Notice of Hearing and alleges as follows:

These cases having been consolidated, the General Counsel of the Board, by the undersigned, pursuant to § 10(b) of the Act and § 102.15 of the Board's

Exhibit 3(a)

Rules and Regulations, issues this Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, and alleges as follows:

1.

(a) The charge in Case 19-CA-32018 was filed by the Union on July 20, 2009, and was served on Respondent Spring Air by regular mail on July 21, 2009.

(b) The charge in Case 19-CA-32019 was filed by the Union on July 20, 2009, and was served on Respondent Consolidated by regular mail on July 21, 2009.

(c) The charges in Cases 19-CA-32018 and 19-CA-32019 were served on Alfred Giuliano, Trustee in Bankruptcy, by regular mail on about July 21, 2009

2.

(a) Respondent Spring Air is a State of Washington corporation, with an office and place of business in Lacey, Washington (the "Lacey facility"), where it is engaged in the business of manufacture and distribution of mattresses and related products.

(b) Respondent Consolidated is a State of Delaware corporation, with an office and place of business in Tampa, Florida (the "Tampa facility"), where it is engaged in the business of manufacture and distribution of mattresses and related products.

(c) Respondent Spring Air is a wholly owned subsidiary of Respondent Consolidated (collectively, "Respondents").

(d) Respondents, during the past twelve months, which period is representative of all material times, in conducting their business operations described above in paragraphs 2(a) and (b), each derived gross revenues in excess of \$500,000.

(e) Respondent Spring Air, during the past twelve months, which period is representative of all material times, in conducting its business operations described above in paragraph 2(a), sold and shipped from the Lacey facility goods valued in excess of \$50,000 directly to points outside the State of Washington.

(f) Respondent Consolidated, during the past twelve months, which period is representative of all material times, in conducting its business operations described above in paragraph 2(b), sold and shipped from the Tampa facility goods valued in excess of \$50,000 directly to points outside the State of Florida.

(f) Respondents have each been at all material times employers engaged in commerce within the meaning of §§ 2(2), (6), and (7) of the Act.

(g) Since on about June 1, 2009, Alfred Thomas Giuliano, has been duly designated by the U.S. Bankruptcy Court, District of Delaware, as the trustee in bankruptcy of Respondents, with full authority to administer Respondents' operations and to exercise all powers necessary to the administration of Respondents' businesses.

3.

The Union is, and has been at all material times, a labor organization within the meaning of § 2(5) of the Act.

4.

At all material times the following individuals held the positions set forth opposite their respective names and have been supervisors within the meaning of

§ 2(11) of the Act, and/or agents within the meaning of § 2(13) of the Act, acting on behalf of Respondents:

Wade Jones	–	Plant Manager, Respondent Spring Air
Katie Sims	–	Vice President, Human Resources, Respondent Consolidated

5.

(a) The following employees of Respondent Spring Air constitute a unit appropriate for the purposes of collective bargaining within the meaning of § 9(b) of the Act (the "Unit"):

All production and maintenance employees employed at Respondent Spring Air's facility in Thurston County, Washington, excluding office clerical employees, supervisors and guards as defined in the Act.

(b) Since at least 2005 and at all material times, the Union has been the designated exclusive collective-bargaining representative of the Unit and, since then, the Union has been recognized as such by Respondent Spring Air. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective from April 15, 2009, to May 1, 2010.

(c) At all material times since 2005, based on § 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

6.

(a) On or about May 4, 2009, Respondents closed their facilities in Thurston County, Washington, including the Lacey facility.

(b) On or about May 4, 2009, the Union, telephonically with Jones and Sims, requested that Respondents bargain about the effects of the closure of the Lacey facility.

(c) On or about May 4, 2009, Respondent Spring Air, by Jones, referred the Union to Sims at Respondent Consolidated, who, after speaking with the Union failed to respond to the request for bargaining.

(d) The subject set forth above in paragraph 6(a) relates to wages, hours, and other terms and conditions of employment of the Unit and are mandatory subjects for the purposes of collective bargaining.

(e) Respondents engaged in the conduct described above in paragraph 6(a) without prior notice to the Union and without affording the Union an opportunity to bargain with Respondent Spring Air with respect to the effects of this conduct.

7.

By the acts described above in paragraph 6, Respondents have been failing and refusing to bargain collectively with the exclusive collective-bargaining representative of its employees in violation of §§ 8(a)(1) and (5) of the Act.

8.

By the acts described above in paragraphs 6 and 7 Respondents have engaged in unfair labor practices affecting commerce within the meaning of §§ 2(6) and (7) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraph 6, the General Counsel seeks an order requiring that Respondents make whole the Unit in the manner set forth in *Transmarine Navigation Corp.*, 170 NLRB 389 (1968); and pay, *inter alia*, quarterly compound interest on any back pay or monetary remedies ordered in this case.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to §§ 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before September 14, 2009, or postmarked on or before September 13, 2009.** Unless filed electronically in a pdf format, Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically by using the E-Filing system on the Agency's website. In order to file an answer electronically, access the Agency's website at <http://www.nlr.gov>, click on **E-Gov**, then click on the **E-Filing** link on the pull-down menu. Click on the "File Documents" button under "Regional, Subregional and Resident Offices" and then follow the directions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See § 102.21. If the answer being filed electronically is

a pdf document containing the required signature, no paper copies of the document need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

Service of the answer on each of the other parties must be accomplished in conformance with the requirements of § 102.114 of the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed or if an answer is filed untimely, the Board may find, pursuant to Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on the **27th day of October 2009**, at **9:00 a.m.**, in **James C. Sand Hearing Room, 2966 Jackson Federal Building, 915 Second Avenue, Seattle, Washington**, and on consecutive days thereafter until concluded, a hearing will be conducted before an Administrative Law Judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the

attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

DATED at Seattle, Washington on the 31st day of August, 2009.

A handwritten signature in black ink, appearing to read 'R L Ahearn', written over a horizontal line.

Richard L. Ahearn, Regional Director
National Labor Relations Board, Region 19
2948 Jackson Federal Building
915 Second Avenue
Seattle, Washington 98174

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

NOTICE

August 31, 2009

SPRING AIR WEST, LLC
and Consolidated Bedding, Inc.

Cases: 19-CA-32018
19-CA-32019

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end. An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing.

However, unless otherwise specifically ordered, the hearing will be held at the date, hour and place indicated. Postponements **will not be granted** unless good and sufficient grounds are shown **and** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 C.F.R. 102.16(a) or with the Division of Judges when appropriate under 29 C.F.R. 102.16(b).
- (2) Grounds must be set forth in **detail**;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (*listed below*), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

CERTIFIED MAIL NO.
7006 3450 0001 6747 1823 and REGULAR MAIL

Spring Air West, LLC
2626 Willamette Drive NE
Lacey, WA 98516

CERTIFIED MAIL NO.
7006 3450 0001 6747 1847 and REGULAR MAIL

Polsinelli Shughart, PC
Attn: Christopher Ward, Attorney
222 Delaware Avenue, Suite 1101
Wilmington, DE 19801

CERTIFIED MAIL NO.
7006 3450 0001 6747 1861 and REGULAR MAIL

Alfred Giuliani, Bankruptcy Trustee
Giuliani Miller & CO, LLC
Berlin Business Park
140 Bradford Drive
West Berlin, NJ 08091

CERTIFIED MAIL NO.
7006 3450 0001 6747 1885 and REGULAR MAIL

Carpenters Industrial Council,
Local No. 2633
712 North 7th Street

CERTIFIED MAIL NO.
7005-3450 0001 6747 1830 and REGULAR MAIL

Consolidated Bedding, Inc.
500 South Falkenburg Road
Tampa, FL 33619

CERTIFIED MAIL NO.
7006 3450 0001 6747 1854 and REGULAR MAIL

Polsinelli Shughart, PC
Attn: Justin Edelson, Attorney
222 Delaware Avenue, Suite 1101
Wilmington, DE 19801

CERTIFIED MAIL NO.
7006 3450 0001 6747 1878 and REGULAR MAIL

John Fiorella, Attorney
Archer & Greiner
300 Delaware Ave. Ste. 1370
Wilmington, DE 19801

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SPRING AIR WEST, LLC

and

CARPENTERS INDUSTRIAL COUNCIL,
LOCAL NO. 2633

CONSOLIDATED BEDDING, INC.

and

CARPENTERS INDUSTRIAL COUNCIL,
LOCAL NO. 2633

ALFRED THOMAS GIULIANO, Trustee in Bankruptcy

Party in Interest

Case 19-CA-32018

Case 19-CA-32019

DATE OF MAILING: August 31, 2009

**AFFIDAVIT OF SERVICE OF ORDER CONSOLIDATING CASES, CONSOLIDATED COMPLAINT AND
NOTICE OF HEARING, with NLRB Form-4668 attached.**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) by post-paid first-class mail upon the following persons, addressed to them at the following addresses:

CERTIFIED MAIL NO.

7006 3450 0001 6747 1823 and REGULAR MAIL

Spring Air West, LLC
2626 Williamette Drive NE
Lacey, WA 98516

CERTIFIED MAIL NO.

7006 3450 0001 6747 1847 and REGULAR MAIL

Polsinelli Shughart, PC
Attn: Christopher Ward, Attorney
222 Delaware Avenue, Suite 1101
Wilmington, DE 19801

CERTIFIED MAIL NO.

7006 3450 0001 6747 1861 and REGULAR MAIL

Alfred Giuliani, Bankruptcy Trustee
Giuliani Miller & CO, LLC
Berlin Business Park
140 Bradford Drive
West Berlin, NJ 08091

CERTIFIED MAIL NO.

7006 3450 0001 6747 1885 and REGULAR MAIL

Carpenters Industrial Council,
Local No. 2633
712 North 7th Street
Yakima, WA 98901

CERTIFIED MAIL NO.

7005-3450 0001 6747 1830 and REGULAR MAIL

Consolidated Bedding, Inc.
500 South Falkenburg Road
Tampa, FL 33619

CERTIFIED MAIL NO.

7006 3450 0001 6747 1854 and REGULAR MAIL

Polsinelli Shughart, PC
Attn: Justin Edelson, Attorney
222 Delaware Avenue, Suite 1101
Wilmington, DE 19801

CERTIFIED MAIL NO.

7006 3450 0001 6747 1878 and REGULAR MAIL

John Fiorella, Attorney
Archer & Greiner
300 Delaware Ave. Ste. 1370
Wilmington, DE 19801


Kathlyn L. Mills, Secretary

Subscribed and sworn to before me

on August 31, 2009.

DESIGNATED AGENT:


NATIONAL LABOR RELATIONS BOARD



United States Government
NATIONAL LABOR RELATIONS BOARD
Region 19
2948 Jackson Federal Building
915 Second Avenue
Seattle, Washington 98174-1078

Telephone: (206) 220-6300
Toll Free: 1-866-667-6572
Facsimile: (206) 220-6305
Agency Web Site: www.nlrb.gov

September 25, 2009

John Fiorella, Attorney
Archer & Greiner
300 Delaware Ave, Suite 1370
Wilmington, DE 19801

Re: Spring Air West et al
Cases 19-CA-32018, 19-CA-32019

Dear Mr. Fiorella:

This letter will serve to confirm the conversation you had with Janet Little of this office on September 23, 2009. In that conversation you said that you did not see any point in filing an answer to the Consolidated Complaint that issued in these cases on August 31, 2009.

We will file a motion for a default judgment if you do not change your position. Any such answer must be filed by the close of business October 1, 2009 to avoid the default motion. If you have any questions please call me at 206-220-6280

Very truly yours,

Daniel Sanders
Attorney

Cc: Christopher Ward
Justin Edelson

ORDER

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board hereby ORDERS that Respondents Spring Air West, LLC, and Consolidated Bedding, Inc., their officers, agents, successors, and assigns, shall:

1. Cease and Desist from:

(a) Failing and refusing to bargain collectively in good faith with Carpenters Industrial Council, Local No. 2633 (the "Union"), concerning the effects resulting from the closure of its Thurston County, Washington facility on or about May 4, 2009, on its employees in the following appropriate unit (the "Unit):

All production and maintenance employees employed at Respondents' facility in Thurston County, Washington, excluding office clerical employees, supervisors and guards as defined in the Act.

(b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act:

(a) On request, bargain in good faith with the Union concerning the effects on employees which it represents as a result of the closing of its Thurston County, Washington facility on or about May 4, 2009.

(b) Pay the unit employees their normal wages for an appropriate period as set forth in *Transmarine Navigation*, 170 NLRB 389 (1968), and clarified in *Melody Toyota*, 325 NLRB 846 (1998).

(c) Preserve and, within 14 days of a request, or such additional time as the Regional Director of Region 19 of the Board may allow for good cause shown, provide at a reasonable place designated by the Board or its agents, all payroll records, social security payment records, timecards, personnel records and reports, and all other records, including an electronic copy of the records if stored in electronic form, necessary to analyze the amount of backpay due under the terms of this Order.

(d) Within 14 days after service by the Region, mail copies, at the Respondents' expense, of the attached notice marked "Appendix" to the last known address of each employee employed in the Unit represented by the Union as of May 4, 2009; and similarly mail a copy a copy of the notice to the Union at its business address. Copies of the Notice, on forms provided by the Regional Director for Region 19, shall be mailed after signed by the Respondents' authorized representative.

(e) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondents have taken to comply.

APPENDIX

NOTICE TO EMPLOYEES

Posted by Order of the National Labor Relations Board

An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this Notice.

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union
Choose representative to bargain with us on your behalf
Act together with other employees for your benefit and protection
Choose not to engage in any of these protected activities

WE WILL NOT fail or refuse to bargain collectively and in good faith with Carpenters Industrial Council Local 2633 (the "Union"), concerning the effects resulting from the closure of our Thurston County, Washington facility on or about May 4, 2009, on our employees in the following appropriate unit (the "Unit"):

All production and maintenance employees employed by Spring Air LLC and Consolidated Bedding, Inc., at their Thurston County, Washington facility, excluding office clerical employees, supervisors and guards as defined in the Act.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce employees in the exercise of the rights guaranteed them by Federal law.

WE WILL, on request, bargain with the Union concerning the effects on our employees in the above Unit resulting from the closure of our Thurston County, Washington facility.

WE WILL pay our former Unit employees their normal wages for the period set forth in the Decision and Order of the National Labor Relation Board, with interest.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

SPRING AIR WEST, LLC

and

CARPENTERS INDUSTRIAL COUNCIL,
LOCAL NO. 2633

CONSOLIDATED BEDDING, INC.

and

CARPENTERS INDUSTRIAL COUNCIL,
LOCAL NO. 2633

ALFRED THOMAS GIULIANO, Trustee in Bankruptcy

Party in Interest

Case 19-CA-32018

Case 19-CA-32019

DATE OF MAILING: October 9, 2009

AFFIDAVIT OF SERVICE OF MOTION FOR DEFAULT JUDGEMENT.

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) via E-File, Federal Express mail and by post-paid first-class mail upon the following persons, addressed to them at the following addresses:

E-FILE

Lester A. Heltzer, Executive Secretary
National Labor Relations Board
1099 - 14th Street, N. W., Room 11602
Washington, D. C. 20570

FEDERAL EXPRESS MAIL

Polsinelli Shughart, PC
Attn: Christopher Ward, Attorney
222 Delaware Avenue, Suite 1101
Wilmington, DE 19801
(302) 252-0920

Alfred Giuliani, Bankruptcy Trustee
Giuliani Miller & CO, LLC
Berlin Business Park
140 Bradford Drive
West Berlin, NJ 08091
(856) 767-3000

James McConnell, Area Representative
Carpenters Industrial Council,
Local No. 2633
712 North 7th Street
Yakima, WA 98901
(509) 248-5158

FEDERAL EXPRESS MAIL

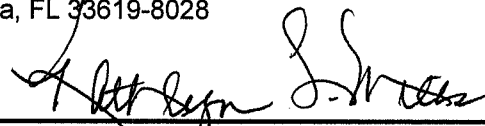
Polsinelli Shughart, PC
Attn: Justin Edelson, Attorney
222 Delaware Avenue, Suite 1101
Wilmington, DE 19801
(302) 252-0920

John Fiorella, Attorney
Archer & Greiner
300 Delaware Ave. Ste. 1370
Wilmington, DE 19801
(302) 777-4350

REGULAR MAIL

Consolidated Bedding, Inc.
500 South Falkenburg Road
Tampa, FL 33619-8028

Spring Air West, LLC
500 South Falkenburg Road
Tampa, FL 33619-8028


Kathryn L. Mills, Secretary

Subscribed and sworn to before me

on October 9, 2009.

DESIGNATED AGENT:


NATIONAL LABOR RELATIONS BOARD